



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 4
ATLANTA FEDERAL CENTER
61 FORSYTH STREET
ATLANTA, GEORGIA 30303-8960

October 24, 2008

Lesley Leonard
Code EV22LL USWTR OEIS/EIS PM
Naval Facilities Engineering Command
Atlantic Division
6506 Hampton Boulevard
Norfolk, Virginia 23508-1278

SUBJECT: Draft Environmental Impact Statement/Overseas Environmental Impact Statement
for the Navy's Proposed Undersea Warfare Training Range on the East Coast;
CEQ Number 20080348

Dear Ms. Leonard:

The U.S. Environmental Protection Agency (EPA) has reviewed the referenced Draft Environmental Impact Statement (EIS)/Overseas EIS in accordance with its responsibilities under Section 309 of the Clean Air Act and Section 102(2)(C) of the National Environmental Policy Act (NEPA). The U.S. Department of the Navy (Navy) proposes to place undersea cables and transducer nodes in a 1,713-square-kilometer (km²) area of the ocean to create an undersea warfare training range (USWTR) for use as part of anti-submarine warfare (ASW) training.

The purpose of the proposed action is to enable the Navy to train effectively in a shallow water environment (120 to 900 feet in depth) at a suitable location for Atlantic Fleet ASW capable units. The Navy currently lacks an instrumented shallow water training range offshore of the east coast of the United States that is geographically and oceanographically similar to potential strategic areas. Such training would typically involve up to three vessels and two aircraft using the range for any one training event, although events would typically involve fewer units. The instrumented area would be connected to the shore via a single trunk cable. The proposed action would require logistical support for ASW training, including the handling (launch and recovery) of exercise torpedoes (non-explosive) and submarine target simulators.

A number of candidate locations were screened for potential selection as a preferred USWTR site. The site selection process evaluated operational and climatological factors, including air station proximity, climatological compatibility, and shore landing site and infrastructure. In addition to the no action alternative, four site alternatives were evaluated in the Draft EIS within the existing Jacksonville, Charleston, Cherry Point, and Virginia Capes military operating areas. A fifth site within the Gulf of Maine was eliminated from further consideration due to unsatisfactory climatological conditions. The Jacksonville site, off the coast of northeastern Florida, was identified as the preferred alternative.

In general, EPA supports the purpose and need for the action proposed in the Draft EIS. EPA understands the need to conduct realistic training on accessible training ranges and other appropriate facilities. EPA appreciates the Navy's comprehensive approach to analyze the impacts of their ongoing operations and project the impacts into the future based on reasonably foreseeable training needs. However, based on our review of the Draft EIS, EPA has environmental concerns about the effect of the Navy's training activities primarily associated with the deposition of expended training materials and their potential impacts over time to reef complexes and hard bottom habitat. EPA offers the following specific comments for your consideration in development of the Final EIS for this project:

Alternatives

In 2005, the Navy completed a Draft EIS for this proposed action. The 2005 Draft EIS identified the site offshore of southeastern North Carolina in the Cherry Point Range Complex as the preferred USWTR alternative. Subsequent to the release of the 2005 Draft EIS, the Navy decided to prepare a revised EIS based on comments received during the public comment period, changes in technology, and changes in assessment methodology. In addition, new operational concerns, revised capabilities, and relocation of Navy assets resulted in the need for the Navy to readdress the suitability of the USWTR sites. The updated Draft EIS includes a thorough discussion of the critical and non-critical site evaluation criteria that were developed for selection of a new preferred alternative. It appears the reason the Cherry Point site was not selected was primarily due to its lack of proximity to homeports and air stations. However, this is not specifically mentioned in the Draft EIS. EPA recommends that the Final EIS discuss why Cherry Point was no longer considered viable as the preferred alternative site.

Furthermore, it appears that there is no significant difference between the evaluation criteria for the Jacksonville and Charleston area sites as summarized in Table 2-6, with the exception of Jacksonville being "non-preferred" due to its proximity to significant commercial fishing activities. The Jacksonville site also appears to have the potential for greater environmental impacts (e.g., designated North Atlantic right whale critical habitat, more artificial reef complexes, and greater percentage of hard bottom habitat in the study area) as compared to the Charleston site. EPA recommends that the Final EIS address the differences between these two sites, particularly from the standpoint of environmental impacts, for the purposes of substantiating the selection of Jacksonville as the preferred alternative.

Endangered Species

The Draft EIS identifies a number of potential impacts to marine mammals and several endangered species, primarily the North Atlantic right whale. EPA recommends that the Final EIS documents the consultation record with the U.S. Fish and Wildlife Service and NOAA Fisheries as part of Navy's compliance with the Endangered Species Act, Marine Mammal Protection Act, and Magnuson-Stevens Fishery Conservation Management Act.

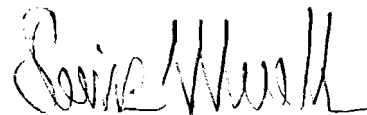
Mitigation and Monitoring Measures

EPA reviewed the previous Draft EIS for proposed training activities on the entire Jacksonville Range Complex (dated June 2008) and raised concerns about a comprehensive monitoring program to ensure that the ongoing impacts from training activities are assessed and appropriately addressed/mitigated once identified. The current Draft EIS includes a chapter on the proposed mitigation and monitoring programs. Similar to the other EIS, the Navy includes a commitment to develop an Integrated Comprehensive Monitoring Program (ICMP). However, it appears that the focus of the ICMP will be limited to marine mammals and other threatened and endangered species.

Similar to our comments on the Jacksonville Range Complex Draft EIS, EPA recommends that the ICMP be expanded to include a commitment to study and monitor impacts of military expended material (MEM) in the aquatic environment similar to the study cited in the Draft EIS of impacts at a Canadian Test Range near British Columbia. If the Jacksonville site remains the preferred location for the USWTR, EPA recommends inclusion of the USWTR in the expanded ICMP for the overall Jacksonville Range Complex. Since there have been no specific, quantitative studies of the extent and impacts of MEM in the Jacksonville Range Complex, an expanded monitoring program should provide the data to support the conclusions in the Draft EIS that the new training activities of the USWTR would have no significant impact on bottom topography, sediment, and water quality.

We rate this document EC-2 (Environmental Concerns – enclosed is a summary of definitions for EPA ratings). We have concerns that the proposed action has the potential for environmental impacts that should be avoided/minimized. EPA requests additional information related to selection of the preferred alternative and additional monitoring commitments to address these concerns. We appreciate the opportunity to review the proposed action. Please contact Ben West of my staff at (404) 562-9643 if you have any questions or want to discuss our comments.

Sincerely,

A handwritten signature in black ink, appearing to read "Heinz Mueller", written in a cursive style.

Heinz J. Mueller, Chief
NEPA Program Office
Office of Policy and Management

Enclosure

U.S. ENVIRONMENTAL PROTECTION AGENCY

ENVIRONMENTAL IMPACT STATEMENT (EIS) RATING SYSTEM CRITERIA

EPA has developed a set of criteria for rating Draft EISs. The rating system provides a basis upon which EPA makes recommendations to the lead agency for improving the draft.

RATING THE ENVIRONMENTAL IMPACT OF THE ACTION

- LO (Lack of Objections): The review has not identified any potential environmental impacts requiring substantive changes to the preferred alternative. The review may have disclosed opportunities for application of mitigation measures that could be accomplished with no more than minor changes to the proposed action.
- EC (Environmental Concerns): The review has identified environmental impacts that should be avoided in order to fully protect the environment. Corrective measures may require changes to the preferred alternative or application of mitigation measures that can reduce the environmental impact.
- EO (Environmental Objections): The review has identified significant environmental impacts that should be avoided in order to adequately protect the environment. Corrective measures may require substantial changes to the preferred alternative or consideration of some other project alternative (including the no action alternative or a new alternative). The basis for environmental objections can include situations:
 1. Where an action might violate or be inconsistent with achievement or maintenance of a national environmental standard;
 2. Where the Federal agency violates its own substantive environmental requirements that relate to EPA's areas of jurisdiction or expertise;
 3. Where there is a violation of an EPA policy declaration;
 4. Where there are no applicable standards or where applicable standards will not be violated but there is potential for significant environmental degradation that could be corrected by project modification or other feasible alternatives; or
 5. Where proceeding with the proposed action would set a precedent for future actions that collectively could result in significant environmental impacts.
- EU (Environmentally Unsatisfactory): The review has identified adverse environmental impacts that are of sufficient magnitude that EPA believes the proposed action must not proceed as proposed. The basis for an environmentally unsatisfactory determination consists of identification of environmentally objectionable impacts as defined above and one or more of the following conditions:
 1. The potential violation of or inconsistency with a national environmental standard is substantive and/or will occur on a long-term basis;
 2. There are no applicable standards but the severity, duration, or geographical scope of the impacts associated with the proposed action warrant special attention; or
 3. The potential environmental impacts resulting from the proposed action are of national importance because of the threat to national environmental resources or to environmental policies.

RATING THE ADEQUACY OF THE ENVIRONMENTAL IMPACT STATEMENT (EIS)

- 1 (Adequate): The Draft EIS adequately sets forth the environmental impact(s) of the preferred alternative and those of the alternatives reasonably available to the project or action. No further analysis or data collection is necessary, but the reviewer may suggest the addition of clarifying language or information.
- 2 (Insufficient Information): The Draft EIS does not contain sufficient information to fully assess environmental impacts that should be avoided in order to fully protect the environment, or the reviewer has identified new reasonably available alternatives that are within the spectrum of alternatives analyzed in the Draft EIS, which could reduce the environmental impacts of the proposal. The identified additional information, data, analyses, or discussion should be included in the Final EIS.
- 3 (Inadequate): The Draft EIS does not adequately assess the potentially significant environmental impacts of the proposal, or the reviewer has identified new, reasonably available, alternatives, that are outside of the spectrum of alternatives analyzed in the Draft EIS, which should be analyzed in order to reduce the potentially significant environmental impacts. The identified additional information, data, analyses, or discussions are of such a magnitude that they should have full public review at a draft stage. This rating indicates EPA's belief that the Draft EIS does not meet the purposes of NEPA and/or the Section 309 review, and thus should be formally revised and made available for public comment in a supplemental or revised Draft EIS.